

AMENDED IN ASSEMBLY APRIL 25, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2201

Introduced by Assembly Member Bradford

February 23, 2012

An act to amend Section 51018.6 of the Government Code, relating to pipeline safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2201, as amended, Bradford. Elder California Pipeline Safety Act of 1981: civil penalties.

Under existing law, the Elder California Pipeline Safety Act of 1981, the State Fire Marshal exercises safety regulatory jurisdiction over *intrastate pipelines, and, to the extent authorized by federal law*, interstate pipelines used for the transportation of hazardous or highly volatile liquid substances, ~~subject to federal law~~. Existing law provides that a violation, as determined by the State Fire Marshal, of the act, or any regulation adopted pursuant to the act, subjects a person to a civil penalty of not more than \$10,000 for each day that the violation persists, except that the maximum civil penalty is not permitted to exceed \$500,000 for any related series of violations. Existing law requires these penalties to be deposited into the Local Training Account in the California Hazardous Liquid Pipeline Safety Fund, available upon appropriation by the Legislature, as specified.

This bill would raise the civil penalties to ~~\$100,000~~ \$200,000 for each day that a violation persists, and the maximum for any related series of violations to ~~\$1,000,000~~ \$2,000,000.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51018.6 of the Government Code is
2 amended to read:
3 51018.6. (a) The State Fire Marshal shall adopt regulations
4 for conducting enforcement proceedings pursuant to this section.
5 These regulations shall include provisions for the service and the
6 content of the notice of probable violation, response options,
7 conduct of hearings, issuing of the final order, amended final order,
8 and petitions for reconsideration and compromise of penalties, and
9 shall be consistent with the procedures specified in Sections
10 190.207 to 190.215, inclusive, and Section 190.227 of Title 49 of
11 the Code of Federal Regulations.
12 (b) If the State Fire Marshal determines, pursuant to the
13 regulations adopted pursuant to subdivision (a), that a person has
14 violated this chapter or any regulation adopted pursuant thereto,
15 that person is subject to a civil penalty of not more than ~~one~~ *two*
16 hundred thousand dollars ~~(\$100,000)~~ *(\$200,000)* for each day that
17 violation persists, except that the maximum civil penalty shall not
18 exceed ~~one~~ *two* million dollars ~~(\$1,000,000)~~ *(\$2,000,000)* for any
19 related series of violations.
20 (c) The amount of the penalty shall be assessed by the State Fire
21 Marshal pursuant to the regulations adopted pursuant to subdivision
22 (a). In determining the amount of the penalty, the State Fire
23 Marshal shall consider the nature, circumstances, and gravity of
24 the violation and, with respect to the person found to have
25 committed the violation, the degree of culpability, any history of
26 prior violations, the effect on ability to continue to do business,
27 any good faith attempts to achieve compliance, ability to pay the
28 penalty, and any other matters as justice may require.
29 (d) A civil penalty assessed under subdivision (b) may be
30 recovered in an action brought by the Attorney General on behalf
31 of the state. Prior to referring the penalty action to the Attorney
32 General, the State Fire Marshal may accept an offer to compromise
33 the amount of the assessed penalty pursuant to the regulations
34 adopted pursuant to subdivision (a).

1 (e) The State Fire Marshal shall deposit all civil penalties
2 assessed pursuant to this section in the Local Training Account in
3 the California Hazardous Liquid Pipeline Safety Fund. The money
4 in the Local Training Account is available, upon appropriation by
5 the Legislature, to the State Fire Marshal, who shall use the money
6 for providing hazardous liquid fire suppression training to local
7 fire departments.

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